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JANSSEN ONCOLOGY, INC., JANSSEN
RESEARCH & DEVELOPMENT, LLC, and
JOHNSON & JOHNSON*

(Counsel Detail Provided on Signature Page)

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA, STATES OF
CALIFORNIA, COLORADO, CONNECTICUT,
DELAWARE, FLORIDA, GEORGIA, HAWAII,
ILLINOIS, INDIANA, IOWA, LOUISIANA,
MICHIGAN, MINNESOTA, MONTANA,
NEVADA, NEW JERSEY, NEW MEXICO, NEW
YORK, NORTH CAROLINA, OKLAHOMA,
RHODE ISLAND, TENNESSEE, TEXAS,
VERMONT, AND WASHINGTON; THE
COMMONWEALTHS OF MASSACHUSETTS
AND VIRGINIA; and THE DISTRICT OF
COLUMBIA,

ex rel. ZACHARY SILBERSHER,

Plaintiffs,

vs.

JANSSEN BIOTECH, INC., JANSSEN
ONCOLOGY, INC., JANSSEN RESEARCH &
DEVELOPMENT, LLC, and JOHNSON &
JOHNSON,

Defendants.

Civil Action No. 19-12107 (KM)
(ESK)

**APPLICATION FOR CLERK'S
ORDER EXTENDING TIME
PURSUANT TO LOCAL CIVIL
RULE 6.1(b)**

Document electronically filed

Pursuant to Local Civil Rule 6.1(b), application is hereby made for a Clerk's Order extending the time within which Defendants Janssen Biotech, Inc., Janssen Oncology, Inc., Janssen Research & Development, LLC, and Johnson & Johnson (collectively, "Defendants") may answer, move, or otherwise respond to the Complaint in above-captioned action for a period of fourteen (14) days, and it is represented that:

1. On December 21, 2017, Plaintiff-Relator Zachary Silbersher (“Plaintiff-Relator”) filed this qui tam action brought under the federal False Claims Act, 31 U.S.C. § 3729, under seal in the United States District Court for the Northern District of California.

2. On October 23, 2018, Plaintiff-Relator filed an Amended Complaint in this action.

3. On October 30, 2018, the Northern District of California issued an order unsealing the case.

4. On February 12, 2019, Defendants filed a motion pursuant to 28 U.S.C. § 1404(a) to transfer this action to the District of New Jersey.

5. On April 29, 2019, Defendants’ motion to transfer was granted, and on May 3, the Clerk of the United States District Court for the District of New Jersey received a Certified Copy of the Transfer Order and docket sheet from the Northern District of California.

6. On June 20, 2019, Plaintiff-Relator filed a Second Amended Complaint in this action.

7. On September 13, 2019, Defendants filed a Motion to Dismiss the Second Amended Complaint.

8. On June 22, 2020, pursuant to the agreement of the parties, the Court administratively terminated Defendants’ Motion to Dismiss the Second Amended Complaint.

9. On April 6, 2021, Defendants filed a renewed Motion to Dismiss the Second Amended Complaint.

10. On December 17, 2021, the Court ruled on Defendants’ Motion to Dismiss (Dkt. 180), dismissing claims against BTG International, while denying the Motion as to all other Defendants, triggering the deadline to answer the Second Amended Complaint.

11. The deadline for Defendants to serve an answer is currently January 3, 2022.

12. No previous extension of this deadline has been obtained.

13. Therefore, Defendants respectfully request that the Clerk enter an Order extending their time to answer the Second Amended Complaint by fourteen (14) days from January 3, 2022, through and including January 17, 2022.

Dated: December 30, 2021

Respectfully submitted,

s/ Jeffrey J. Greenbaum

Jeffrey J. Greenbaum

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Counsel for Defendants JANSSEN BIOTECH, INC., JANSSEN ONCOLOGY, INC., JANSSEN RESEARCH & DEVELOPMENT, LLC, and JOHNSON & JOHNSON

ORDER

The above application is ORDERED GRANTED and the time within which Defendants Janssen Biotech, Inc., Janssen Oncology, Inc., Janssen Research & Development, LLC, and Johnson & Johnson may answer, move, or otherwise respond to the Complaint is hereby extended for a period of fourteen (14) days from January 3, 2022, through and including January 17, 2022.

ORDER DATED:

WILLIAM T. WALSH, Clerk

By: _____
Deputy Clerk